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PART III

Firearms and Offensive Weapons

Criminal Code

CRIMINAL AND
SOCIAL POLICY
SECTOR

SECTEUR DES
POLITIQUES PÉNALES
ET SOCIALES

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**CRIMINAL AND
SOCIAL POLICY
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PART III

Firearms and Offensive Weapons - Criminal Code

- The following pages present the new wording of the Criminal Code when the firearms control amendments, Chapter 40 of the Statutes of Canada of 1991, come into force. The final proclamation period is not expected until July 1993. Please refer to the attached press release for specific dates.
- **Bold text** show where the wording is new.

In case of discrepancies between the law as it is presented in this manual and as it is written in the Statutes of Canada, please rely on the Statutes of Canada.

Prepared by: Firearms Control Task Group
Department of Justice
Ottawa

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Revised version, January 1993

A. Legislation

Interpretation

Definitions

“weapon”

Section 2 “weapon” means
(a) anything used, designed to be used or intended for use in causing death or injury to any person, or
(b) anything used, designed to be used or intended for use for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes any firearm as defined in subsection 84(1);

no change

Part III – Firearms and Other Offensive Weapons

Interpretation

Definitions

“antique firearm”

Section 84(1) “antique firearm” means any firearm manufactured before 1898 that was not designed to use rim-fire or centre-fire ammunition and that has not been redesigned to use such ammunition, or, if so designed or redesigned, is capable only of using rim-fire or centre-fire ammunition that is not commonly available in Canada;

“chief provincial firearms officer”

Section 84(1) “chief provincial firearms officer” means a person who has been designated in writing by the Attorney General of a province as the chief provincial firearms officer for that province;

“commissioner”

Section 84 (1) “Commissioner” means the Commissioner of the Royal Canadian Mounted Police;

no change

"firearm"

Section 84(1) "firearm" means any barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm;

"firearms acquisition certificate"

Section 84(1) "firearms acquisition certificate" means a firearms acquisition certificate issued by a firearms officer under section 106 or 107;

"firearms officer"

Section 84(1) "firearms officer" means any person who has been designated in writing as a firearms officer by the Commissioner or the Attorney General of a province or who is a member of a class of police officers or police constables that has been so designated;

no change

"genuine gun collector"

Section 84(1) "genuine gun collector" means an individual who possesses or seeks to acquire one or more restricted weapons that are related or distinguished by historical, technological or scientific characteristics, has knowledge of those characteristics, has consented to the periodic inspection, conducted in a reasonable manner and in accordance with the regulations, of the premises in which the restricted weapons are to be kept and has complied with such other requirements as are prescribed by regulation respecting knowledge, secure storage and the keeping of records in respect of the restricted weapons;

"large-capacity cartridge magazine"

Section 84(1) "large-capacity cartridge magazine" means any device or container from which ammunition may be fed into the firing chamber of a firearm;

*"local
registrar of
firearms"*

Section 84(1) "local registrar of firearms" means any person who has been designated in writing as a local registrar of firearms by the Commissioner or the Attorney General of a province or who is a member of a class of police officers or police constables that has been so designated;

permit

*prohibited
weapon*

Section 84(1) "permit" means a permit issued under section 110;

Section 84(1) "prohibited weapon" means

- (a) any device or contrivance designed or intended to muffle or stop the sound or report of a firearm,
- (b) any knife that has a blade that opens automatically by gravity or centrifugal force or by hand pressure applied to a button, spring or other device in or attached to the handle of the knife,

no change

*"prohibited
weapon"*

Section 84(1) ["prohibited weapon" means]

- (c) any firearm, not being a restricted weapon described in paragraph (c) or (c.1) of the definition of that expression in this subsection, that is capable of, or assembled or designed and manufactured with the capability of, firing projectiles in rapid succession during one pressure of the trigger, whether or not it has been altered to fire only one projectile with one such pressure,

*"prohibited
weapon"*

Section 84(1) ["prohibited weapon" means]

- (d) any firearm adapted from a rifle or shotgun, whether by sawing, cutting or other alteration or modification, that, as so adapted, has a barrel that is less than 457 mm in length or that is less than 660 mm in overall length,

no change

*"prohibited
weapon"*

Section 84(1) ["prohibited weapon" means]

- (e) a weapon of any kind, not being an antique firearm or a firearm of a kind commonly used in Canada for hunting or sporting purposes, or a part, component or accessory of such a weapon, or any ammunition, that is declared by order of the Governor in Council to be a prohibited weapon, or

"prohibited weapon"

Section 84(1) ["prohibited weapon" means]

(f) a large-capacity cartridge magazine prescribed by regulation;

"registration certificate"

Section 84(1) "registration certificate" means a restricted weapon registration certificate issued under section 109;

"regulations"

Section 84(1) "regulations" means regulations made by the Governor in Council pursuant to section 116;

"restricted weapon"

Section 84(1) "restricted weapon" means

- (a) any firearm, not being a prohibited weapon, designed, altered or intended to be aimed and fired by the action of one hand,
- (b) any firearm that
 - (i) is not a prohibited weapon, has a barrel that is less than 470 mm in length and is capable of discharging centre-fire ammunition in a semi-automatic manner, or
 - (ii) is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or
 - (c) any firearm that is designed, altered or intended to fire bullets in rapid succession during one pressure of the trigger and that, on January 1, 1978, was registered as a restricted weapon and formed part of a gun collection in Canada of a genuine gun collector,

no change

"restricted weapon"

Section 84(1) ["restricted weapon" means]

(c.1) any firearm that is assembled or designed and manufactured with the capability of firing projectiles in rapid succession with one pressure of the trigger, to the extent that

- (i) the firearm is altered to fire only one projectile with one such pressure,
- (ii) on October 1, 1992, the firearm was registered as a restricted weapon, or an application for a registration certificate was made to a local registrar of firearms in respect of the firearm, and the firearm formed part of a gun collection in Canada of a genuine gun collector, and
- (iii) subsections 109(4.1) and (4.2) were complied with in respect of that firearm, or

"restricted weapon"

Section 84(1) ["restricted weapon" means]

(d) a weapon of any kind, not being a prohibited weapon or a shotgun or rifle of a kind that, in the opinion of the Governor in Council, is reasonable for use in Canada for hunting or sporting purposes, that is declared by order of the Governor in Council to be a restricted weapon.

no change

barrel length

Section 84(1.1) For the purposes of paragraph (d) of the definition "prohibited weapon" and of subparagraph (b)(i) of the definition "restricted weapon" in subsection (1), the length of a barrel of a firearm means

- (a) in the case of a revolver, the distance from the muzzle of the barrel to the breach end immediately in front of the cylinder; and
- (b) in any other case, the distance from the muzzle of the barrel to and including the chamber, but not including the length of any part or accessory including parts or accessories designed or intended to suppress the muzzle flash or reduce recoil.

weapon to be a restricted weapon

Section 84(1.2) Where the Governor in Council makes an order referred to in paragraph (e) of the definition "prohibited weapon" in subsection (1), the Governor in Council may also, by order, declare that a person who possesses a weapon referred to in that paragraph prior to the coming into force of the order referred to in that paragraph shall only retain the ownership and possession of the weapon if the person obtains a registration certificate in respect of the weapon in accordance with section 109 and, where the Governor in Council makes such an order, the weapon is deemed to be a restricted weapon for that person for the purposes of this Act.

*certain
weapons
deemed not to
be firearms*

Section 84(2) Notwithstanding the definition of "firearm" in subsection (1), for the purposes of the definitions "prohibited weapon" and "restricted weapon" in that subsection and for the purpose of section 93, subsections 97(1) and (3) and sections 102, 104, 105 and 116, the following weapons shall be deemed not to be firearms:

- (a) an antique firearm unless
 - (i) but for this subsection, it would be a restricted weapon, and
 - (ii) the person in possession thereof intends to discharge it;
- (b) any device designed, and intended by the person in possession thereof, for use exclusively for
 - (i) signalling, notifying of distress or firing stud cartridges, explosive-driven rivets or similar industrial ammunition, or
 - (ii) firing blank cartridges;
- (c) any shooting device designed, and intended by the person in possession thereof, for use exclusively for
 - (i) slaughtering of domestic animals,
 - (ii) tranquilizing animals, or
 - (iii) discharging projectiles with lines attached thereto; and

no change

*certain
weapons
deemed not to
be firearms*

Section 84(2) (d) any other barrelled weapon where it is proved that that weapon is not designed or adapted to discharge a shot, bullet or other projectile at a muzzle velocity exceeding 152.4 m per second or to discharge a shot, bullet or other projectile that is designed or adapted to attain a velocity exceeding 152.4 m per second.

*designated
officer or
constable*

Section 84(3) A police officer or police constable designated in writing by the Commissioner or the Attorney General of a province for the purposes of this subsection or who is a member of a class of police officers or police constables that has been so designated may perform such functions and duties of a local registrar of firearms under subsections 109(1) to (6) and subsections 110(3) and (4) as are specified in the designation.

no change

Offences Related to the Use of Firearms and Other Offensive Weapons

*use of firearm
during
commission of
an offence,
etc.*

*sentences to be
served
consecutively*

*pointing a
firearm*

*negligent
handling of
firearm*

Section 85(1) Every one who uses a firearm

- (a) while committing or attempting to commit an indictable offence, or
- (b) during his flight after committing or attempting to commit an indictable offence,
whether or not he causes or means to cause bodily harm to any person as a result thereof, is guilty of an indictable offence and liable to imprisonment
- (c) in the case of a first offence, except as provided in paragraph (d), for not more than fourteen years and not less than one year, and
- (d) in the case of a second or subsequent offence, or in the case of a first offence committed by a person who, prior to January 1, 1978, was convicted of an indictable offence or an attempt to commit an indictable offence, in the course of which or during his flight after the commission or attempted commission of which he used a firearm, for not more than fourteen years and not less than three years.

Section 85(2) A sentence imposed on a person for an offence under subsection (1) shall be served consecutively to any other punishment imposed on him for an offence arising out of the same event or series of events and to any other sentence to which he is subject at the time the sentence is imposed on him for an offence under subsection (1).

Section 86(1) Every one who, without lawful excuse, points a firearm at another person, whether the firearm is loaded or unloaded,

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

no change

Section 86(2) Every person who uses, carries, handles, ships or stores any firearm or ammunition in a manner that shows wanton or reckless disregard for the lives or safety of other persons

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

*storage, etc.
of firearms*

Section 86(3) Every person who stores, displays, handles or transports any firearm in a manner contrary to a regulation made under paragraph 116(1)(g)
(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
(b) is guilty of an offence punishable on summary conviction.

Offences Related to Possession of Firearms and other Offensive Weapons

*possession of
weapon or
imitation*

*while attending
public meeting*

*carrying
concealed
weapon*

Section 87 Every one who carries or has in his possession a weapon or imitation thereof, for a purpose dangerous to the public peace or for the purpose of committing an offence, is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years.

Section 88 Every one who, without lawful excuse, has a weapon in his possession while he is attending or is on his way to attend a public meeting is guilty of an offence punishable on summary conviction.

Section 89 Every one who carries a weapon concealed, unless he is the holder of a permit under which he may lawfully so carry it,
(a) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years; or
(b) is guilty of an offence punishable on summary conviction.

no change

*possession of
prohibited
weapon*

Section 90(1) Every one who has in his possession a prohibited weapon

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or
(b) is guilty of an offence punishable on summary conviction.

*prohibited
weapon in
motor vehicle*

*saving
provision*

Section 90(2) Every one who is an occupant of a motor vehicle in which he knows there is a prohibited weapon
(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
(b) is guilty of an offence punishable on summary conviction.

Section 90(3) Subsection (1) does not apply to a person who comes into possession of a prohibited weapon by operation of law and thereafter, with reasonable despatch, lawfully disposes thereof.

no change

*classes of
persons*

Section 90(3.1) Subsection (1) does not apply in a province with respect to any person designated by the Attorney General of the province if the person belongs to a class of persons who require a prohibited weapon described in paragraph (c), (e) or (f) of the definition "prohibited weapon" in subsection 84(1) or any component or part thereof for a purpose that the Governor in Council prescribes by regulation to be an industrial purpose, or to any person who under the direct and immediate supervision of such a person.

*"large-
capacity
cartridge
magazine"*

Section 90(3.2) Notwithstanding anything in this Act, no person is guilty of an offence under subsection (1) by reason only that the person possesses a prohibited weapon described in paragraph (f) of the definition of that expression in subsection 84(1), where
(a) that person has been authorized in writing by the local registrar of firearms to be a person who may possess such a weapon for use in conjunction with a firearm that is suitable for use in shooting competitions designated by the Attorney General and is lawfully possessed by the person and where the person has complied with all conditions for the possession of that weapon that are prescribed by regulations or that are required by the local registrar of firearms in the particular circumstances and in the interests of the safety of the person or of any other person; or
(b) that person is a person who is designated for the purposes of paragraph 95(3)(b).

idem

Section 90(4) Subsection (2) does not apply to an occupant of a motor vehicle in which there is a prohibited weapon where, by virtue of subsection (3) or section 92, subsection (1) does not apply to the person who is in possession of that weapon.

no change

refusal and notification

Section 90.1(1) Where, pursuant to paragraph 90(3.2)(a), a local registrar of firearms refuses to authorize in writing that a person is a person who may possess a prohibited weapon referred to in that paragraph for use in conjunction with a firearm that is suitable for use in shooting competitions designated by the Attorney General, the local registrar of firearms shall notify the person in writing of the refusal and the reasons for it and include in the notification a copy of this section.

request for reference to judge

(2) A person who has received a notification referred to in subsection (1) may, within 30 days after receiving the notification or within such time as is, before or after the expiration of that period, allowed by a provincial court judge, request in writing the local registrar of firearms to refer the matter to a provincial court judge having jurisdiction in the territorial division in which the person resides.

hearing

(3) On a reference by the local registrar of firearms pursuant to subsection (2), the provincial court judge shall fix a date for the hearing of the reference and direct that notice of the hearing be given to the person and to the local registrar of firearms, in such manner as the provincial court judge may specify.

"burden of proof"

(4) In a hearing under subsection (3) the burden of proof is on the person to satisfy the provincial court judge that the refusal was not justified.

order

(5) Where at the conclusion of the hearing under subsection (3), the person has satisfied the provincial court judge that the refusal was not justified, the provincial court judge shall, by order, direct the local registrar of firearms to authorize in writing that the person may possess a prohibited weapon referred to in paragraph 90(3.2)(a) for use in conjunction with a firearm that is suitable for use in shooting competitions designated by the Attorney General and the local registrar of firearms shall immediately comply with the order.

appeal

(6) Where a provincial court judge makes an order pursuant to subsection (5), the local registrar of firearms may appeal to the appeal court against the order and the provisions of Part XXVII except sections 816 to 819 and 829 to 836 apply, with such modifications as the circumstances require, in respect of the appeal.

*definition of
"appeal court"*

(7) In this section, "appeal court" has the meaning given that expression in subsection 100(11).

*possession of
unregistered
restricted
weapon*

*possession
elsewhere than
at place
authorized*

*restricted
weapon in
motor vehicle*

Section 91(1) Every one who has in his possession a restricted weapon for which he does not have a registration certificate

- (a) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Section 91(2) Every one who has in his possession a restricted weapon elsewhere than at the place at which he is entitled to possess it, as indicated on the registration certificate issued therefor, is, unless he is the holder of a permit under which he may lawfully so possess it,

- (a) guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) guilty of an offence punishable on summary conviction.

Section 91(3) Every one who is an occupant of a motor vehicle in which he knows there is a restricted weapon is, unless some occupant of the motor vehicle is the holder of a permit under which he may lawfully have that weapon in his possession in the vehicle, or he establishes that he had reason to believe that some occupant of the motor vehicle was the holder of such permit,

- (a) guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) guilty of an offence punishable on summary conviction.

no change

*saving
provision*

Section 91(4) Subsection (1) does not apply to a person

- (a) in respect of a restricted weapon, where a permit relating to the restricted weapon has been issued under subsection 110(1), (2.1) or (3.1) and the person is not the person mentioned in the registration certificate issued in respect of that restricted weapon;
- (a.1) to whom a permit relating to a restricted weapon has been issued under subsection 110(3) or (4) and who possesses the weapon for the purpose for which that permit was issued;
- (b) who has a restricted weapon in his possession while he is under the immediate supervision of a person who may lawfully possess the weapon for the purpose of using the weapon in a manner in which the supervising person may lawfully use it; or
- (c) who comes into possession of a restricted weapon by operation of law and thereafter, with reasonable despatch, lawfully disposes of it or obtains a registration certificate or permit under which he may lawfully possess it.

idem

Section 91(4.1) Subsection (2) does not apply to a person to whom a permit to possess a particular restricted weapon has been issued under subsection 110(1) where the person is not the person mentioned in the registration certificate issued in respect of the restricted weapon, when the person to whom the permit has been issued possesses the restricted weapon at the place authorized by the permit.

idem

Section 91(5) Subsection (3) does not apply to an occupant of a motor vehicle in which there is a restricted weapon where, by virtue of subsection (4) or section 92, subsections (1) and (2) do not apply to the person who is in possession of that weapon.

no change

idem

Section 91(6) Subject to sections 100 and 103, subsection 105(4) and to a condition of a probation order referred to in paragraph 737(2)(d), nothing in this Act makes it unlawful for a person to be in possession of a restricted weapon, other than a **restricted weapon described in paragraph (c.1) of the definition of that expression in subsection 84(1)**, in the ordinary course of a business described in paragraph 105(1)(a) or (b) or subparagraph 105(2)(b)(ii).

Section 91.1(1) The Governor in Council may make orders specifying periods of time as amnesty periods with respect to weapons or classes of weapons, or explosive substances, and where the Governor in Council makes such an order, no person who, during that period, delivers such a weapon or explosive substance that is unlawfully in the person's possession to a peace officer, local registrar of firearms or firearms officer for registration or destruction or other disposition as provided in the order is, by reason only of the fact that the person was in possession of the weapon or explosive substance prior to the delivery or by reason only of the fact that the person transported the weapon or explosive substance for purposes of the delivery, guilty of an offence under section 82, 90 or 91, as the case may be.

Section 91.1(2) Any proceedings taken under section 82, 90 or 91 against any person for any action taken by the person in reliance on subsection (1) following an order referred to therein are a nullity.

Section 92(1) Notwithstanding anything in this Act,

- (a) a member of the Canadian Forces or of the armed forces of a state other than Canada who is authorized under paragraph 14(a) of the Visiting Forces Act or who is attached or seconded to any of the Canadian Forces,
- (b) a peace officer or a person in the public service of Canada or employed by the government of a province,
- (c) an officer under the Immigration Act, the Customs Act or the Excise Act, or
- (d) a person who, under the authority of the Canadian Forces or a police force that includes peace officers or public officers, imports, manufactures, repairs, alters, modifies or sells weapons for or on behalf of the Canadian Forces or that police force

is not guilty of an offence under this Act by reason only that, in the case of a person described in any of paragraphs (a) to (c), **the person is required to possess and possesses a restricted or prohibited weapon for the purpose of the person's duties or employment and, in the case of a person described in paragraph (d), the person possesses a restricted or prohibited weapon in the course of business on behalf of the Canadian Forces or a police force referred to in that paragraph.**

museums

Section 92(2) Notwithstanding anything in this Act, no operator of or person employed in a museum established by the Chief of the Defence Staff or a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated is guilty of an offence under this Act by reason only that **the person possesses** a restricted or prohibited weapon for the purpose of exhibiting that weapon or of storing, repairing, restoring, maintaining or transporting that weapon for the purpose of exhibiting it.

Offences Related to Sale, Delivery or Acquisition of Firearms and other Offensive Weapons

*transfer of
firearm to
person
under 18*

Section 93(1) Every one who gives, lends, transfers or delivers any firearm to a person under the age of **eighteen** years who is not the holder of a permit under which the person may lawfully possess the firearm

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or

(b) is guilty of an offence punishable on summary conviction.

*saving
provision*

Section 93(2) Subsection (1) does not apply to a person lawfully in possession of a firearm who permits a person under the age of eighteen years to use the firearm **under the direct and immediate supervision of the person lawfully in possession of the firearm** in the same manner in which that person may lawfully use it.

*wrongful
delivery of
firearm, etc.*

Section 94 Every one who sells, barters, gives, lends, transfers or delivers any firearm or other offensive weapon or any ammunition or explosive substance to a person who he knows or has good reason to believe is of unsound mind, is impaired by alcohol or drugs, or is a person who is prohibited by an order made pursuant to section 100 or 103 or by a condition of a probation order referred to in paragraph 737(2)(d) from possessing the firearm or other offensive weapon, ammunition or explosive substance so sold, bartered, given, lent, transferred or delivered,

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or

(b) is guilty of an offence punishable on summary conviction.

no change

*importing or
delivering
prohibited
weapon*

Section 95(1) Every person who imports, exports, buys, sells, barters, gives, lends, transfers or delivers a prohibited weapon or any component or part designed exclusively for use in the manufacture or assembly into a prohibited weapon

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or

(b) is guilty of an offence punishable on summary conviction.

*saving
provision*

Section 95(2) Notwithstanding subsection (1), a person who carries on a business described in paragraph 105(1)(b) may export or import for a purpose that the Governor in Council prescribes by regulation, for the purposes of subsection 90(3.1), to be an industrial purpose a prohibited weapon described in paragraph (c), (e) or (f) of the definition "prohibited weapon" in subsection 84(1) or components or parts thereof, if that person does so under and in accordance with an export permit or an import permit, as the case may be, issued under the Export and Import Permits Act.

exception

Section 95(3) Subsection (1) does not apply to a person who

- (a) carries on a business referred to in paragraph 105(1)(a) and who, on behalf of a person described in subsection 90(3.2), imports, buys, sells, barter, gives, lends, transfers or delivers a prohibited weapon described in paragraph (f) of the definition of that expression in subsection 84(1); or
- (b) manufactures a prohibited weapon described in paragraph (f) of the definition of that expression in subsection 84(1) for the purpose of exporting the prohibited weapon or of selling it in Canada to a person who may lawfully possess such a prohibited weapon, where the person who manufactures the prohibited weapon is designated for the purposes of this subsection by the Attorney General of the province in which the prohibited weapon is manufactured.

saving provision

Section 95(4) Notwithstanding subsection (1), a person who carries on a business described in paragraph 105(1)(b) may transfer to a person designated by the Attorney General of a province pursuant to subsection 90(3.1) a prohibited weapon described in paragraph (c), (e) or (f) of the definition "prohibited weapon" in subsection 84(1) or components or parts thereof.

making automatic firearm

Section 95.1 Every person who, without lawful justification or excuse, alters a firearm so that it is capable of, or manufactures or assembles any firearm with intent to produce a firearm that is capable of, firing projectiles in rapid succession during one pressure of the trigger is guilty of

- (a) an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) an offence punishable on summary conviction.

delivery of restricted weapon to person without permit

saving provision

importation

delivery of firearm to person without firearms acquisition certificate

Section 96(1) Every one who sells, barters, gives, lends, transfers or delivers any restricted weapon to a person who is not the holder of a permit authorizing him to possess that weapon
(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
(b) is guilty of an offence punishable on summary conviction.

Section 96(2) Subsection (1) does not apply to a person lawfully in possession of a restricted weapon who permits a person who is not the holder of a permit authorizing him to possess that weapon to use the weapon under his immediate supervision in the same manner in which he may lawfully use it.

Section 96(3) Every one who imports any restricted weapon when he is not the holder of a permit authorizing him to possess that weapon
(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
(b) is guilty of an offence punishable on summary conviction.

Section 97(1) Every one who sells, barters, gives, lends, transfers or delivers any firearm to a person who does not, at the time of the sale, barter, giving, lending, transfer or delivery or, in the case of a mail-order sale, within a reasonable time prior thereto, produce a firearms acquisition certificate for inspection by the person selling, bartering, giving, lending, transferring or delivering the firearm, that that person has no reason to believe is invalid or was issued to a person other than the person so producing it,
(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
(b) is guilty of an offence punishable on summary conviction.

no change

Section 97(2) Subsection (1) does not apply to a person

- (a) lawfully in possession of a firearm who lends the firearm
 - (i) to a person for use by that person in his company and under his guidance or supervision in the same manner in which he may lawfully use it,
 - (ii) to a person who requires the firearm to hunt or trap in order to sustain himself or his family, or
 - (iii) to a person who is the holder of a permit issued under subsection 110(1), (6) or (7) permitting the lawful possession of the firearm;
- (b) who returns a firearm to a person who lent it to him in circumstances described in paragraph (a);
- (c) who comes into possession of a firearm in the ordinary course of a business described in paragraph 105(1)(a) and who returns the firearm to the person from whom it is received; or
- (d) who is a peace officer, local registrar of firearms or firearms officer who returns a firearm to a person who had lawfully possessed the firearm and subsequently lost it or from whom it had been stolen.

Section 97(3) Every one who imports or otherwise acquires possession in any manner whatever of a firearm while he is not the holder of a firearms acquisition certificate

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
- (b) is guilty of an offence punishable on summary conviction.

no change

Section 97(4) Subsection (3) does not apply to a person who

- (a) acquires a firearm in circumstances such that, by virtue of subsection (2), subsection (1) does not apply to the person from whom he acquired the firearm;
- (b) reacquires a firearm from a person to whom he lent the firearm;
- (c) imports a firearm at a time when he is not a resident of Canada;
- (d) comes into possession of a firearm by operation of law and thereafter, with reasonable despatch, lawfully disposes of it or obtains a firearms acquisition certificate under which he could have lawfully acquired the firearm;
- (e) comes into possession of a firearm in the ordinary course of a business described in paragraph 105(1)(a) or (b) or 105(2)(a) or (b); or

saving provision

Section 97(4)(f) [Subsection (3) does not apply to a person who has lawfully possessed a firearm and has subsequently lost it, or from whom it had been stolen, and who then reacquires it from a peace officer, local registrar of firearms or firearms officer or finds it and so reports to a peace officer, local registrar of firearms or firearms officer.]

members of forces, peace officers, etc.

Section 98(1) Notwithstanding sections 95 to 97, (a) a member of the Canadian Forces, or of the armed forces of a state other than Canada, referred to in paragraph 92(1)(a), (b) a peace officer or a person in the public service of Canada or employed by the government of a province, or (c) an operator of or a person employed in a museum established by the Chief of the Defence Staff or a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated is not guilty of an offence under this Act by reason only that the person imports or otherwise acquires possession in any manner of any weapon or component or part of a weapon in the course of the duties or employment of that person.

importation, etc., on behalf of armed forces and police forces

Section 98(2) Notwithstanding section 95 to 97, a person who, under the authority of the Canadian Armed Forces or a police force that includes peace officers or public officers of a class referred to in paragraph (1)(b) imports, manufactures, repairs, alters, modifies or sells weapons or components or parts of weapons for or on behalf of the Canadian Armed Forces or such a police force is not guilty of an offence under this Act by reason only that that person so imports or manufactures weapons or components or parts thereof or sells, barter, gives, lends, transfers or delivers weapons or components or parts thereof to the Canadian Armed Forces or such a police force.

no change

*importation,
etc., on behalf
of museums*

Section 98(3) Notwithstanding section 95 to 97, a person who, under the supervision of an operator of or a person employed in a museum established by the Chief of Defence Staff or a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated, imports, buys, repairs, restores or maintains weapons or components or parts of weapons for or on behalf of the museum is not guilty of an offence under this Act by reason only that that person so imports, buys, repairs, restores or maintains weapons or components or parts thereof or sells, barter, gives, lends, transfers or delivers weapons or components or parts thereof to the museum.

exception

Section 99 Notwithstanding section 96 and 97, a person is not guilty of an offence under this Act by reason only that he transfers or delivers

- (a) any restricted weapon to a person who carries on a business described in subparagraph 105(2)(b)(ii), or
- (b) any firearm, other than a restricted weapon, to a person who carries on a business described in subsection 105(1) or subparagraph 105(2)(b)(ii)
for use in the course of that business.

no change

Prohibition Orders, Seizure and Forfeiture

*order
prohibiting
possession of
firearms, etc.*

Section 100(1) Where an offender is convicted or discharged under section 736 of an indictable offence in the commission of which violence against a person is used, threatened or attempted and for which the offender may be sentenced to imprisonment for ten years or more or of an offence under section 85, the court that sentences the offender shall, **subject to subsections (1.1) to (1.3)**, in addition to any other punishment that may be imposed for that offence, make an order prohibiting the offender **from possessing** any firearm or any ammunition or explosive substance for any period of time specified in the order that commences on the day **on which** the order is made and expires not earlier than

- (a) in the case of a first conviction for such an offence, **ten years**, and
- (b) in any other case, **life**,

after the time of the offender's release from imprisonment after conviction for the offence or, if the offender is not then imprisoned or subject to imprisonment, after the time of the offender's conviction or discharge for that offence.

*where order
not to be made*

Section 100(1.1) The court is not required to make an order under subsection (1) where the court is satisfied that the offender has established that

- (a) it is not desirable in the interests of the safety of the offender or of any other person that the order be made; and
- (b) the circumstances are such that it would not be appropriate to make the order.

criteria

Section 100(1.2) In considering whether the circumstances are such that it would not be appropriate to make an order under subsection (1), the court shall consider

- (a) the criminal record of the offender, the nature of the offence and the circumstances surrounding its commission;
- (b) whether the offender needs a firearm for the sustenance of the offender or the offender's family; and
- (c) whether the order would constitute a virtual prohibition against employment in the only vocation open to the offender.

reasons

Section 100(1.3) Where the court does not make an order under subsection (1), the court shall give reasons why the order is not being made.

*discretionary
order
prohibiting
possession of
firearms, etc.*

Section 100(2) When an offender is convicted or discharged under section 736 of

- (a) an offence involving the use, carriage, possession, handling or storage of any firearm or ammunition,
- (b) an offence, other than an offence referred to in subsection (1), in the commission of which violence against a person was used, threatened or attempted, or
- (c) an offence described in subsection 39(1) or (2) or 48(1) or (2) of the Food and Drugs Act or in subsection 4(1) or (2) or 5(1) of the Narcotic Control Act,

the court that sentences the offender, in addition to any other punishment that may be imposed for the offence, shall consider whether it is desirable, in the interests of the safety of the offender or of any other person, to make an order prohibiting the offender from possessing any firearm or any ammunition or explosive substance and ordering the offender to surrender any firearms acquisition certificate that the offender possesses, and where the court decides that it is not desirable, in the interests of the safety of the offender or of any other person, for the offender to possess any of those things, the court shall so order.

*duration of
order*

Section 100(2.1) An order referred to in subsection (2) may be for any period of time specified in the order but shall not expire later than ten years after the time of the offender's release from imprisonment after conviction for the offence to which the order relates, or, if the offender is not then imprisoned or subject to imprisonment, after the time of the offender's conviction or discharge from that offence.

*definition of
"release from
imprisonment"*

*application for
order of
prohibition*

*fixing date for
hearing and
notice*

*hearing of
application
and disposition*

Section 100(3) For the purposes of subsections (1) and (2), "release from imprisonment" means release from confinement by reason of expiration of sentence, commencement of mandatory supervision or grant of parole other than day parole.

Section 100(4) Where a peace officer believes on reasonable grounds that it is not desirable in the interests of the safety of any person that a particular person should possess any firearm or any ammunition or explosive substance, he may apply to a provincial court judge for an order prohibiting that particular person from having in his possession any firearm or any ammunition or explosive substance.

Section 100(5) On receipt of an application made pursuant to subsection (4) or on a reference by a firearms officer, pursuant to subsection 106(7), of his opinion that it is not desirable in the interests of the safety of an applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate acquire a firearm, the provincial court judge to whom the application or reference is made shall fix a date for the hearing of the application or reference and direct that notice of the hearing be given to the person against whom the order of prohibition is sought or the applicant for the firearms acquisition certificate and the firearms officer, as the case may be, in such manner as the provincial court judge may specify.

no change

Section 100(6) At the hearing of an application made pursuant to subsection (4), the provincial court judge shall hear all relevant evidence presented by or on behalf of the applicant and the person against whom the order of prohibition is sought and where, at the conclusion of the hearing, the provincial court judge is satisfied that there are reasonable grounds to believe that it is not desirable in the interests of the safety of the person against whom the order of prohibition is sought or of any other person that the person against whom the order is sought should possess any firearm or any ammunition or explosive substance, the provincial court judge shall make an order prohibiting him from having in his possession any firearm or any ammunition or explosive substance for any period of time, not exceeding five years, specified in the order and computed from the day the order is made.

no change

*hearing of
reference and
disposition*

Section 100(7) At the hearing of a reference referred to in subsection (5), the provincial court judge shall hear all relevant evidence presented by or on behalf of the firearms officer and the applicant for a firearms acquisition certificate and where, at the conclusion of the hearing, the firearms officer has satisfied the provincial court judge that the **opinion of the firearms officer** that it is not desirable in the interests of the safety of the applicant or of any other person that the applicant acquire a firearm is justified, the provincial court judge shall, by order, confirm that opinion **and the refusal to issue the firearms acquisition certificate and may prohibit the applicant from possessing any firearm, ammunition or explosive substance for any period, not exceeding five years, specified in the order and computed from the day the order is made.**

*revocation on
order*

Section 100(7.1) Where an order is made under subsection (1), (2) or (7), any firearms acquisition certificate that is held by the person who is subject of the order is automatically revoked.

idem

Section 100(8) Where, at the conclusion of a hearing referred to in subsection (7), the firearms officer has not satisfied the provincial court judge that his opinion that it is not desirable in the interests of the safety of the applicant for a firearms acquisition certificate or of any other person that the applicant for a firearms acquisition certificate is justified, the provincial court judge shall, by order, direct the firearms officer to issue to that person a firearms acquisition certificate and, on payment of the fee, if any, fixed for such a certificate, the firearms officer shall forthwith comply with the direction.

*where hearing
may proceed
ex parte*

Section 100(9) A provincial court judge may proceed *ex parte* to hear and determine an application made pursuant to subsection (4) or a reference referred to in subsection (5) in the absence of the person against whom the order of prohibition is sought or the applicant for a firearms acquisition certificate, as the case may be, in circumstances in which a summary conviction court may, pursuant to Part XXVII, proceed with a trial in the absence of the defendant as fully and effectually as if the defendant had appeared.

no change

*appeal to
appeal court in
certain cases*

Section 100(10) Where a provincial court judge

- (a) makes an order pursuant to subsection (6) or (7), the prohibited person, or
- (b) refuses to make an order pursuant to subsection (6), or makes an order pursuant to subsection (8), **the Attorney General** may appeal to the appeal court against the order or refusal to make an order, as the case may be, and the provisions of Part XXVII except sections 816 to 819 and 829 to 838 apply, with such modifications as the circumstances require, in respect of the appeal.

*definitions
"appeal court"*

Section 100(11) In this section,

"appeal court" means

- (a) in the Province of Ontario, the Ontario Court (General Division) sitting in the region, district or county or group of counties where the adjudication was made,
- (b) in the Province of Quebec, the Superior Court,
- (b.1) in the Province of Nova Scotia, the district or county court of the district or county where the adjudication was made,
- (c) in the Provinces of New Brunswick, Manitoba, Saskatchewan and Alberta, the Court of Queen's Bench,
- (d) in the Provinces of Prince Edward Island and Newfoundland, the Trial Division of the Supreme Court, and
- (e) in the Province of British Columbia, the Yukon Territory and the Northwest Territories, the Supreme Court;

*"provincial
court judge"*

"provincial court judge" means a provincial court judge having jurisdiction in the territorial division where the person against whom the relevant application for an order of prohibition was brought or in respect of whom the reference was made, as the case may be, resides.

no change

*possession of
firearm,
ammunition,
etc., while
prohibited by
order*

Section 100(12) Every one who has in his possession any firearm or any ammunition or explosive substance while he is prohibited from doing so by any order made pursuant to this section

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or
- (b) is guilty of an offence punishable on summary conviction.

Section 100(13) An order made pursuant to subsection (1), (2), (6) or (7) shall

(a) specify a reasonable period within which the person against whom the order is made may surrender to a police officer or firearms officer, **to be disposed of as the Attorney General directs**, or otherwise lawfully dispose of any firearm or any ammunition or explosive substance lawfully possessed by that person prior to the making of the order, and during which subsection (12) does not apply to that person; and

(b) state that if that person fails to dispose of the firearm, ammunition or explosive substance within the period specified in the order, the firearm, ammunition or explosive substance is forfeited to Her Majesty and must be surrendered to a police officer or firearms officer to be disposed of as the Attorney General directs.

Section 101(1) Whenever a peace officer believes on reasonable grounds that an offence is being committed or has been committed against any of the provisions of this Act relating to prohibited weapons, restricted weapons, firearms or ammunition **and that evidence of the offence is likely to be found on a person, in a vehicle or in any place or premises other than a dwelling-house, the peace officer may, where the conditions for obtaining a warrant exist but, by reason of exigent circumstances, it would not be practicable to obtain a warrant, search, without warrant, the person, vehicle, place or premises, and may seize anything by means of or in relation to which that officer believes on reasonable grounds the offence is being committed or has been committed.**

disposition

Section 101(2) Anything seized pursuant to subsection (1) shall be dealt with in accordance with sections 490 and 491.

*definition of
"dwelling-
house"*

Section 101(3) For the purposes of this section "dwelling-house" does not include a unit that is designed to be mobile other than such a unit that is being used as a permanent residence.

seizure

Section 102(1) Notwithstanding section 101, a peace officer who finds

- (a) a person in possession of any restricted weapon who fails then and there to produce, for inspection by the peace officer, a registration certificate or permit under which he may lawfully possess the weapon,
- (b) a person under the age of sixteen years in possession of any firearm who fails then and there to produce, for inspection by the peace officer, a permit under which he may lawfully possess the firearm, or
- (c) any person in possession of a prohibited weapon, may, unless in a case described in paragraph (a) or (b) possession of the restricted weapon or firearm by the person in the circumstances in which it is so found is authorized by any provision of this Part, seize the restricted weapon, firearm or prohibited weapon.

no change

*exception -
immediate
supervision*

Section 102(1.1) A person under the age of eighteen years is authorized to be in possession of a firearm where

- (a) the person is under the direct and immediate supervision of another person who may lawfully possess the firearm; or
- (b) the person possesses a permit under which the person may lawfully possess the firearm.

return

Section 102(2) Where a person from whom any restricted weapon or firearm was seized pursuant to subsection (1), within fourteen days thereafter, claims the weapon or firearm and produces to the peace officer by whom the weapon or firearm was seized, or any other peace officer having custody thereof, for inspection by him, a registration certificate or permit under which the person from whom the seizure was made is lawfully entitled to possess the weapon or firearm, the weapon or firearm shall forthwith be returned to him.

forfeiture

Section 102(3) Where any restricted weapon, firearm or prohibited weapon that was seized pursuant to subsection (1) is not returned as and when provided by subsection (2), a peace officer shall forthwith take it before a provincial court judge who may, after affording the person from whom it was seized or the owner thereof, if known, an opportunity to establish that he is lawfully entitled to the possession thereof, declare it to be forfeited to Her Majesty, whereupon it shall be disposed of as the Attorney General directs.

no change

application for warrant to seize

Section 103(1) Where, on application to a justice made by a peace officer with respect to any person, the justice is satisfied that there are reasonable grounds for believing that it is not desirable in the interests of the safety of that person, or of any other person, that that person **possesses, or have custody or control of**, any firearm or other offensive weapon or any ammunition or explosive substance, the justice may issue a warrant authorizing the search for and seizure of any firearm or other offensive weapon or any ammunition, explosive substance, authorization referred to in subsection 90(3.2), firearms acquisition certificate, registration certificate issued under section 109 or permit issued under section 110, in the possession, custody or control of that person.

seizure without warrant

Section 103(2) Where, with respect to any person, a peace officer is satisfied that there are reasonable grounds for believing that it is not desirable in the interests of the safety of that person, or of any other person, that that person possess, or have custody or control of, any firearm or other offensive weapon or any ammunition or explosive substance, the peace officer may, where the conditions for obtaining a warrant under subsection (1) exist but by reason of a possible danger to the safety of that person or any other person, it would not be practicable to obtain a warrant, search for and seize any firearm or other offensive weapon or any ammunition, explosive substance, authorization referred to in subsection 90(3.2), firearms acquisition certificate, registration certificate issued under section 109 or permit issued under section 110, in the possession, custody or control of that person.

return to justice

Section 103(3) A peace officer who executes a warrant referred to in subsection (1) or who conducts a search without warrant under subsection (2) shall forthwith make a return to the justice by whom the warrant was issued or, if no warrant was issued, to a justice by whom a warrant might have been issued showing
(a) in the case of an execution of a warrant, the articles, if any, seized and the date of the execution of the warrant; and
(b) in the case of a search without warrant, the grounds on which it was concluded that the peace officer was entitled to conduct the search and the articles, if any, seized.

where certificate not seized

Section 103(3.1) Where a peace officer who performs a seizure under subsection (1) or (2) is unable to seize an authorization referred to in subsection 90(3.2), a firearms acquisition certificate, a registration certificate issued under section 109 or a permit issued under section 110, the authorization, firearms acquisition certificate, registration certificate or permit is automatically revoked.

application for disposition

Section 103(4) Where any articles have been seized pursuant to subsection (1) or (2), the justice by whom a warrant was issued or, if no warrant was issued, a justice by whom a warrant might have been issued shall, on application for an order for the disposition of the articles so seized made by the peace officer within thirty days after the date of execution of the warrant or of the seizure without warrant, as the case may be, fix a date for the hearing of the application and direct that notice of the hearing be given to such persons or in such manner as the justice may specify.

ex parte hearing

Section 103(4.1) A justice may proceed to hear and determine an application under subsection (4) in the absence of the person against whom the order is sought in circumstances in which a summary conviction court may, pursuant to Part XXVII, proceed with a trial in the absence of the defendant as fully and effectually as if the defendant had appeared.

hearing of application

Section 103(5) At the hearing of an application under subsection (4), the justice shall hear all relevant evidence, including evidence respecting the value of the articles in respect of which the application was made.

Section 103(6) If, following the hearing of an application under subsection (4) made with respect to any person, the justice finds that it is not desirable in the interests of the safety of that person or of any other person that that person should possess, or have custody or control of, any firearm or other offensive weapon or any ammunition or explosive substance, the justice may

(a) order that any or all of the articles seized be disposed of on such terms as the justice deems fair and reasonable, and give such directions concerning the payment or the application of the proceeds, if any, of the disposition as the justice sees fit; and

(b) where the justice is satisfied that the circumstances warrant such action,

(i) order that the possession by that person of any firearm or other offensive weapon or any ammunition or explosive substance specified in the order, or of all such articles, be prohibited during any period, not exceeding five years, specified in the order and computed from the day on which the order is made, and

(ii) order that any firearms acquisition certificate issued to the person be revoked and prohibit the person from applying for a firearms acquisition certificate for any period referred to in subparagraph (i).

Section 103(7) Any articles seized pursuant to subsection (1) or (2) in respect of which

(a) no application under subsection (4) is made within thirty days after the date of execution of the warrant or of the seizure without warrant, as the case may be, or

(b) where an application under subsection (4) is made within the period referred to in paragraph (a), the justice does not make a finding as described in subsection (6) shall be returned to the person from whom they were seized.

Section 103(7.1) Where, pursuant to subsection (7), articles are returned to a person from whom they were seized and an authorization, a firearms acquisition certificate, a registration certificate or a permit has been revoked pursuant to subsection (3.1), the justice referred to in paragraph (7)(b) may order that the revocation be reversed and that the authorization, firearms acquisition certificate, registration certificate or permit be restored.

appeal

Section 103(8) Where a justice

(a) makes an order under subsection (6) with respect to any person, that person, or
(b) does not make a finding as described in subsection (6) following the hearing of an application under subsection (4), or makes the finding but does not make an order to the effect described in paragraph (6)(a) or to the effect described in paragraph (6)(b), the Attorney General may appeal to the appeal court against the making of the order, or against the failure to make the finding or to make an order to the effects so described, as the case may be, and the provisions of Part XXVII except sections 816 to 819 and 829 to 838 apply, with such modifications as the circumstances require, in respect of the appeal.

*definitions
"appeal court"*

"justice"

*possession
while
prohibited by
order*

Section 103(9) In this section, "appeal court" has the meaning given that expression in subsection 100(11);

"justice" means a justice having jurisdiction in the territorial division where the person with respect to whom an application is made under subsection (1) or the person with respect to whom a search without warrant is made under subsection (2) resides.

Section 103(10) Every person who possesses any firearm or other offensive weapon or any ammunition, explosive substance or firearms acquisition certificate while prohibited from doing so by any order made pursuant to paragraph (6)(b)

(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or
(b) is guilty of an offence punishable on summary conviction.

Found, Lost, Mislaid, Stolen and Defaced Firearms and other Weapons

finding weapon

Section 104(1) Every one commits an offence who, on finding a prohibited weapon, restricted weapon or firearm that he has reasonable grounds to believe has been lost or abandoned, does not with reasonable despatch

- (a) deliver it to a peace officer, a local registrar of firearms or a firearms officer; or
- (b) report to a peace officer, a local registrar of firearms of a firearms officer that he has found it.

*lost weapon,
etc.*

Section 104(2) Every one commits an offence who, having lost or mislaid a restricted weapon for which he has a registration certificate or permit or having had the weapon stolen from his possession, does not with reasonable despatch report to a peace officer or a local registrar of firearms that he has lost or mislaid the weapon or that the weapon has been stolen from him.

no change

*tampering with
serial number*

Section 104(3) Every one commits an offence who, without lawful excuse, the proof of which lies on that person,

- (a) alters, defaces or removes a serial number on a firearm; or
- (b) possesses a firearm knowing that the serial number thereon has been altered, defaced or removed.

exception

Section 104(3.1) No person is guilty of an offence under paragraph (3)(b) by reason only of possessing a restricted weapon the serial number on which has been altered, defaced or removed, where that serial number has been replaced and a registration certificate has been issued in respect of the restricted weapon that mentions the new serial number.

evidence

Section 104(4) In proceedings under subsection (3), evidence that a person possesses a firearm the serial number of which has been wholly or partially obliterated otherwise than through normal use over time is, in the absence of evidence to the contrary, proof that the person possesses the firearm knowing that the serial number thereon has been altered, defaced or removed.

punishment

Section 104(5) Every one who contravenes this section

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

no change

Museums and Weapons Businesses

record of transaction in weapons or firearms, etc.

Section 105(1) Every person who operates a museum approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which it is situated, or who carries on a business that includes

- (a) the manufacturing, buying or selling at wholesale or retail, storing, importing, repairing, modifying or taking in pawn of restricted weapons or firearms, or, in the case referred to in subsection 95(2), the importing, buying, selling, transferring or delivering, at wholesale or retail, of prohibited weapons described in paragraph (f) of the definition "prohibited weapon" in subsection 84(1), or
- (b) the manufacturing, importing or exporting, for a purpose that the Governor in Council prescribes by regulation, for the purposes of subsection 90(3.1), to be an industrial purpose, of prohibited weapons described in paragraph (c), (e) or (f) of the definition "prohibited weapon" in subsection 84(1) or components or parts thereof,

shall meet the requirements set out in subsection (1.1).

requirements

Section 105(1.1) Every person who operates a museum referred to in subsection 105(1), or who carries on a business described in paragraph (1)(a) or (b) shall

- (a) keep records of transactions entered into by that person with respect to the prohibited or restricted weapons or firearms or the prohibited weapons or the components or parts thereof referred to in paragraph (1)(b), as the case may be, in a form prescribed by the Commissioner and containing such information as is prescribed by the Commissioner;
- (b) keep an inventory of all the prohibited or restricted weapons or firearms, or the prohibited weapons or the components or parts thereof referred to in paragraph (1)(b), as the case may be, on hand at the location of the museum or at that person's place of business;
- (c) produce the records and inventory for inspection at the request of any police officer or police constable or any other person authorized by regulations made by the Governor in Council pursuant to paragraph 116(1)(a) or (b), as the case may be, to enter any place where the museum is located or any place where the business described in paragraph (1)(a) or (b), as the case may be, is carried on; and
- (d) mail a copy of the records and inventory to the Commissioner or to any person authorized by subsection 110(5) to issue a permit to carry on the business in accordance with any request in writing made by the Commissioner or person so authorized.

*firearms
acquisition
certificate*

Section 105(1.2) A person who operates a museum referred to in subsection (1) or who carries on a business described in paragraph (1)(a) or (b) shall ensure that any person employed in or in connection with the museum or business whose duties include the handling of firearms or restricted or prohibited weapons holds a firearms acquisition certificate.

exception

Section 105(1.3) Notwithstanding subsection (1.2), the Attorney General of the province in which a manufacturing business referred to in that subsection is located may designate, for the purposes of this subsection, any person or class of persons employed in or in connection with the business, as a person who need not hold a firearms acquisition certificate for the purposes of employment.

*report of loss,
destruction or
theft*

Section 105(2) A person who

(a) operates a museum referred to in subsection (1) or carries on a business referred to in paragraph (1)(a) or (b), or

(b) carries on a business that includes

(i) the manufacturing, buying or selling at wholesale or retail or importing of ammunition, or

(ii) the transportation or shipping of prohibited or restricted weapons, firearms or ammunition

shall immediately report to a local registrar of firearm or a peace officer any loss, destruction or theft of any restricted weapon, firearm or ammunition, or any loss, destruction, theft or transfer of any prohibited weapon or component or part thereof, that occurs in the operation of the museum or in the course of the business.

form of report

Section 105(3) A report made pursuant to subsection (2) shall be in a form prescribed by the Commissioner and shall be made forthwith after the loss, destruction or theft occurs or is discovered.

no change

*permit to carry
on business*

Section 105(4) No person shall carry on a business described in paragraph (1)(a) or (b) unless the person holds a permit to carry on that business.

application

Section 105(4.1) A permit referred to in subsection (4) may be issued by the chief provincial firearms officer to

(a) any person who wishes to carry on a business described in paragraph (1)(a) or subparagraph (2)(b)(i); or

(b) a person designated by the Attorney General of the province in which the business is or is to be carried on, and who is a member of a class of persons who require a prohibited weapon described in paragraph (c), (e) or (f) of the definition "prohibited weapon" in subsection 84(1) or parts thereof for a purpose that the Governor in Council prescribes by regulation to be an industrial purpose, and who applies for such a permit using the form prescribed by the Commissioner.

*statement of
location*

Section 105(4.2) Every application for a permit referred to in subsection (4) shall be accompanied by a statement signed by the applicant that describes the location of the applicant's place of business for which the permit is required and its ordinary hours of operation and every applicant must furnish a new statement to the chief provincial firearms officer immediately prior to any change in any of the information contained in the statement.

*each location
separate*

Section 105(5) Where a person operates a museum referred to in subsection (1), or carries on a business described in paragraph (1)(a) or (b) or in subparagraph (2)(b)(i), at more than one location, each location shall be deemed for the purposes of this section and regulations made pursuant to paragraphs 116(1)(a) to (c) to be a separate museum or business.

*handling,
secure storage,
etc.*

Section 105(6) No person shall, in the course of operating a museum referred to in subsection (1) or of carrying on a business described in paragraph (1)(a) or (b) or in subparagraph (2)(b)(i),
(a) handle, store, display or advertise any restricted weapon, firearm or ammunition in a manner that contravenes any regulation made pursuant to paragraph 116(1)(a); or
(b) sell by mail-order any restricted weapon, firearm or ammunition in a manner that contravenes any regulation made pursuant to paragraph 116(1)(c).

idem

Section 105(6.1) No person shall, in the course of carrying on a business described in paragraph (1)(b), handle or store any prohibited weapon referred to in that paragraph or any component or part thereof in a manner that contravenes any regulation made by the Governor in Council pursuant to paragraph 116(1)(a.1).

handling and transportation

Section 105(7) No person shall, in the course of operating a museum referred to in subsection (1) or of carrying on a business described in paragraph (1)(a) or (b) or paragraph (2)(a) or (b), knowingly handle, ship, store or transport any firearm or ammunition, or any prohibited weapon referred to in paragraph (1)(b) or any component or part thereof, in a manner that contravenes any regulation made by the Governor in Council pursuant to paragraph 116(1)(d).

punishment

Section 105(8) Every one who contravenes subsection (1), (2), (4), (6), (6.1), or (7)

- (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years; or
- (b) is guilty of an offence punishable on summary conviction.

Firearms Acquisition Certificates

consideration of application and issuance of firearms acquisition certificate

Section 106(1) Where a firearms officer who has received an application for a firearms acquisition certificate and the fee prescribed by regulation does not, after considering the information contained in the application, any further information that is submitted to the firearms officer pursuant to a requirement under subsection (9) and such other information as may reasonably be regarded as relevant to the application, have notice of any matter that may render it desirable in the interests of the safety of the applicant or of any other person that the applicant should not acquire a firearm, the firearms officer shall, subject to subsection (2), and after at least twenty-eight days have elapsed since the application was received, issue a firearms acquisition certificate to the applicant.

appearance and photograph

Section 106(1.1) For greater certainty, an application for a firearms acquisition certificate need not be submitted in person, but the firearms officer who receives the application may require that the applicant appear in person before the firearms acquisition certificate is issued and the firearms officer must be satisfied that any photograph of the applicant that is to be attached to the firearms acquisition certificate is a current photograph of the applicant sufficient to accurately identify the applicant.

exception for renewals

Section 106(1.2) Notwithstanding subsection (1), where an applicant for a firearms acquisition certificate holds a valid firearms acquisition certificate at the time of applying for a new firearms acquisition certificate

- (a) the firearms officer may issue the new firearms acquisition certificate before the twenty-eight days referred to in subsection (1) have elapsed; and
- (b) the fee prescribed by regulation for the new firearms acquisition certificate shall be reduced by one-half.

where no certificate may be issued

Section 106(2) No firearms acquisition certificate may be issued to a person who

- (a) is under the age of eighteen years;
- (b) is prohibited by an order made pursuant to section 100 or 103 or by a condition of a probation order referred to in paragraph 737(2)(d) from having a firearm in his possession; or
- (c) subject to subsection (2.2), fails to produce evidence in conjunction with an application for a firearms acquisition certificate that the person has, at any time prior to the application,
 - (i) successfully completed a course in, or a test relating to, the safe handling and use of and the laws relating to firearms, that was approved for the purposes of this section by the Attorney General of the province in which the course or test is administered, or
 - (ii) been certified by a firearms officer, in circumstances prescribed by regulation, as meeting the criteria of competence in the safe handling and use of firearms and the laws relating to firearms prescribed by regulation.

notice

Section 106(2.1) Where a firearms officer certifies that an applicant is competent for the purposes of subparagraph 106(2)(c)(ii), the firearms officer shall immediately so inform the chief provincial firearms officer in writing and shall give reasons for the certification.

*where
prohibition
order*

Section 106(2.2) In the case of an applicant who has been the subject of an order under subsection 100(1), (2) or (7), the applicant shall produce evidence that the applicant successfully completed both the course and the test referred to in subparagraph (2)(c)(i) after the expiration of the order.

*coming into
force of
paragraph
(2)(c)*

Section 106(3) Paragraph (2)(c) shall come into force in any province only on a day fixed in a proclamation declaring that paragraph to be in force in that province.

no change

deemed notice

Section 106(4) A firearms officer shall be deemed to have notice of a matter that may render it desirable in the interests of the safety of an applicant for a firearms acquisition certificate or of any other person that the applicant should not acquire a firearm and a provincial court judge, on a reference pursuant to subsection (7), is entitled to confirm the opinion of a firearms officer that it is not desirable in the interests of the safety of the applicant or of any other person that the applicant should acquire a firearm, where it is made to appear to the judge that

- (a) **the applicant** has been convicted within five years immediately preceding the date of the application, in proceedings on indictment, of
 - (i) an offence in the commission of which violence against another person was used, threatened or attempted, or
 - (ii) an offence under this Part;
- (b) **the applicant**, within five years immediately preceding the date of the application, has been treated for a mental disorder, whether in a hospital, mental institute or psychiatric clinic or otherwise and whether or not **the applicant** was, during that period, confined to such a hospital, institute or clinic, where the disorder was associated with violence or threatened or attempted violence on the part of the applicant against any person;
- (c) **the applicant** has a history of behaviour occurring within five years immediately preceding the date of the application, that included violence or threatened or attempted violence on the part of the applicant against any person; or
- (d) there is another good and sufficient reason for confirming that opinion.

notice to be given

Section 106(5) Where a firearms officer who has received an application for a firearms acquisition certificate has notice of any matter that may render it desirable in the interests of the safety of the applicant or of any other person that the applicant should not acquire a firearm, the firearms officer shall notify the applicant in writing that, in the opinion of the firearms officer, it is not desirable in the interests of the safety of the applicant or of any other person that the applicant acquire a firearm and of the reasons therefor, and that, unless within thirty days after the day on which the notice is received by the applicant or within such further time as is, before or after the expiration of that period, allowed by a provincial court judge, the applicant, in writing, requests the firearms officer to refer the opinion to a provincial court judge for confirmation or variation thereof, the application for the firearms acquisition certificate will be refused.

material to accompany notice

reference to provincial court judge

Section 106(6) A notice given by a firearms officer under this section shall be accompanied by a copy or extract of the provisions of this section and of subsections 100(5) to (13).

Section 106(7) On receipt by a firearms officer, within the time provided in subsection (5), of a request in writing to refer his opinion referred to in that subsection to a provincial court judge for confirmation or variation thereof, the firearms officer shall forthwith comply with that request.

no change

application for firearms acquisition certificate

no civil liability

Section 106(8) An application for a firearms acquisition certificate shall be made to a firearms officer in a form prescribed by the Commissioner and shall be accompanied by the names of two persons who belong to a class of persons prescribed by regulation who have known the applicant for at least three years and who can confirm that the information on the application, and any further information submitted pursuant to subsection (9), is true.

Section 106(8.1) No person who is referred to in subsection (8) incurs any civil liability by reason of any action taken by that person in connection with the person's name having accompanied an application for a firearms acquisition certificate.

*further
information*

Section 106(9) A firearms officer who has received an application for a firearms acquisition certificate may require the applicant to submit such further information in addition to that included in the application as may reasonably be regarded as relevant for the purpose of determining whether there is any matter that might render it dangerous for the safety of the applicant or of any other person if the applicant acquired a firearm.

investigation

Section 106(9.1) Without restricting the scope of the inquiries a firearms officer may make under subsection (1), a firearms officer who has received an application for a firearms acquisition certificate may conduct an investigation which may consist of interviews with the applicant's neighbours, community/social workers, spouse, dependents, or whomever in the opinion of the firearms officer may provide information pertaining to whether the applicant has a history of violent behaviour, including violence in the home.

limitation

Section 106(10) No local registrar or firearms, firearms officer or other person shall require as information, to be submitted by an applicant for a firearms acquisition certificate or permit, details concerning the makes or serial numbers of shotguns or rifles of a type, kind or design commonly used in Canada for hunting or sporting purposes.

no change

*form of and
term for
certificate*

Section 106(11) The firearms acquisition certificate shall be in a form prescribed by the Commissioner, shall, except where the Commissioner deems that to do so would be inappropriate, have a photograph of the holder attached to it, and shall be valid for five years after the day on which it is issued, unless it is revoked before that time.

exception

Section 106(12) Notwithstanding subsection (11), no fee is payable in respect of a firearms acquisition certificate that is issued to a person who requires a firearm to hunt or trap in order to sustain himself or his family.

*validity of
certificate*

Section 106(13) A firearms acquisition certificate is valid throughout Canada.

no change

refusal to issue

*reference to
provincial
court judge*

*fixing date for
hearing and
notice*

*burden of
proof*

*hearing of
reference and
disposition*

*appeal to
appeal court in
certain cases*

*definition of
"appeal
court"*

Section 106(14) Where a firearms officer refuses to issue a firearms acquisition certificate, the firearms officer shall notify the applicant in writing of the refusal and the reasons for it and include in the notification a copy of this subsection and subsections (15) to (20).

Section 106(15) Where a firearms officer refuses to issue a firearms acquisition certificate, the applicant may, within thirty days after being notified of the refusal or within such further time as is, before or after the expiration of that period, allowed by a provincial court judge, request, in writing, the firearms officer to refer the matter to a provincial court judge having jurisdiction in the territorial division in which the applicant resides.

Section 106(16) On a reference by a firearms officer pursuant to subsection (15), the provincial court judge shall fix a date for the hearing of the reference and direct that notice of the hearing be given to the applicant and to the firearms officer, in such manner as the provincial court judge may specify.

Section 106(17) In a hearing under subsection (16), the burden of proof is on the applicant for the firearms acquisition certificate to satisfy the provincial court judge that the refusal to issue the firearms acquisition certificate was not justified.

Section 106(18) Where, at the conclusion of a hearing under subsection (16), the applicant has satisfied the provincial court judge that the refusal to issue the firearms acquisition certificate was not justified, the provincial court judge shall, by order, direct the firearms officer to issue to the applicant a firearms acquisition certificate and the firearms officer shall immediately comply with the order.

Section 106(19) Where a provincial court judge makes an order pursuant to subsection (18), the firearms officer may appeal to the appeal court against the order, and the provisions of Part XXVII except sections 816 to 819 and 829 to 838 apply, with such modifications as the circumstances require, in respect of the appeal.

Section 106(20) In this section, "appeal court" has the meaning given that expression in subsection 100(11).

*firearms
acquisition
certificate for
other persons*

application

*agreements
with provinces*

Section 107(1) Notwithstanding subsection 106(2), the Governor in Council may make regulations prescribing the persons, other than individuals, or classes of such persons to which firearms acquisition certificates may be issued, and subsections 106(1), (5) to (7), (9) to (11) and (13) to (20) apply, with such modifications as the circumstances require, in respect of firearms acquisition certificates issued to such persons.

Section 107(2) An application for a firearms acquisition certificate by a person or a member of a class of persons prescribed pursuant to subsection (1) shall be made to a firearms officer in a form prescribed by the Commissioner.

Section 108 The Minister of Justice of Canada, with the approval of the Governor in Council, may enter into agreements with the governments of the provinces for the coordination, to the maximum extent possible, of the administration of section 106, 107, 109, **109.1** and 110 with the administration by provinces of provincial laws and programs relating to game hunting, firearms competency testing and firearms safety training.

Restricted Weapon Registration Certificates

*application for
registration
certificate*

*permit to
convey*

Section 109(1) An application for a registration certificate in respect of a restricted weapon shall be in a form prescribed by the Commissioner and shall be made to a local registrar of firearms.

Section 109(2) On receiving an application for a registration certificate, a local registrar of firearms may issue a permit under subsection 110(4) authorizing the applicant to convey the weapon to him for examination.

no change

limitation

Section 109(3) A registration certificate may be issued only where a local registrar of firearms indicates on the copy of the application for the certificate that is sent to the Commissioner pursuant to subsection (5) that

- (a) the applicant for the certificate is the holder of a firearms acquisition certificate and is eighteen or more years of age, and
- (b) the restricted weapons to which the application relates bears a serial number sufficient to distinguish it from other restricted weapons or, in the case of an antique firearm that does not bear such a serial number, it is accurately described in the application, and further that the restricted weapon to which the application relates
- (c) is required by the applicant
 - (i) to protect life,
 - (ii) for use in connection with his lawful profession or occupation
 - (iii) for use in target practice under the auspices of a shooting club approved for the purposes of this section by the Attorney General of the province in which the premises of the shooting club are located or by an agent specially designated by that Attorney General in writing for the purpose of this subsection, or
 - (iv) for use in target practice in accordance with conditions proposed to be attached to the permit to be issued in respect of the restricted weapon under subsection 110(1),
- (d) will form part of a gun collection of the applicant who is a genuine gun collector and who has complied with any regulations relating to the secure storage of, and the keeping of records respecting, restricted weapons made pursuant to subsection 116(1), or
- (e) is or is deemed pursuant to paragraph 116(f) to be a relic for the purposes of this Part.

idem

Section 109(4) A registration certificate may only be issued in respect of a restricted weapon described in paragraph (c) of the definition "restricted weapon" in subsection 84(1) where a local registrar of firearms, in addition to the matters referred to in subsection (3), indicates on the copy of the application that is sent to the Commissioner pursuant to subsection (5) that the restricted weapon will form part of a gun collection of the applicant who is a genuine gun collector whose collection includes one or more restricted weapons described in that paragraph.

no change

idem

Section 109(4.1) A registration certificate may only be issued in respect of a restricted weapon described in paragraph (c.1) of the definition "restricted weapon" in subsection 84(1) where a local registrar of firearms, in addition to the matters referred to in subsection (3),

- (a) indicates on the copy of the application that is sent to the Commissioner pursuant to subsection (5) that the restricted weapon will form part of a gun collection of the applicant who is a genuine gun collector whose collection includes one or more restricted weapons described in that paragraph; and
- (b) describes on the copy referred to in paragraph (a) all alterations that have been made to the restricted weapon to enable it to fire only one projectile with one pressure of the trigger.

changes

Section 109(4.2) Where the description of the alterations referred to in paragraph (4.1)(b) changes in respect of a restricted weapon, the restricted weapon registration certificate issued in respect of the weapon is automatically revoked and the holder of that certificate shall immediately apply for a new registration certificate in respect of the weapon.

time of ownership

Section 109(4.3) Notwithstanding anything in this Act, no registration certificate may be issued in respect of a restricted weapon described in paragraph (c.1) of the definition "restricted weapon" in subsection 84(1) to a person who did not lawfully possess such a restricted weapon at the time of the coming into force of this subsection.

*distribution of
copies of
application*

Section 109(5) The local registrar of firearms by whom an application for a registration certificate is received shall

- (a) send one copy thereof to the Commissioner;
- (b) deliver one copy thereof to the applicant for the certificate; and
- (c) retain one copy thereof.

*matters to be
reported to
Commissioner*

Section 109(6) Where a local registrar of firearms to whom an application for a registration certificate is made has notice of any matter that may render it desirable in the interests of the safety of the applicant or any other person that the applicant should not possess a restricted weapon, he shall report that matter to the Commissioner and he may, if the restricted weapon is conveyed to him for examination, hold the weapon pending the final disposition of the application for a registration certificate in respect thereof.

*registration
certificate*

Section 109(7) On receiving an endorsed copy of an application for a registration certificate, the Commissioner shall, subject to subsections (3) and (4) and section 112, register the restricted weapon described in the application and issue a restricted weapon registration certificate therefor to the applicant, in such form as the Commissioner may prescribe, indicating thereon the place at which the holder of the certificate is thereby entitled to possess the restricted weapon.

limitation

Section 109(8) No place other than the usual dwelling-house of the applicant for a registration certificate or his ordinary place of business may be indicated on the registration certificate as the place at which the holder of the certificate is thereby entitled to possess the restricted weapon to which the certificate relates.

no change

*registration
certificate for
other persons*

Section 109.1 Notwithstanding paragraphs 109(3)(a) and (d), the Governor in Council may make regulations prescribing the persons, other than individuals, or classes of such persons, to which restricted weapon registration certificates may be issued, and subsections 109(1) to (3) and (5) to (8) apply, with such modifications as the circumstances require, in respect of registration certificates issued to such persons.

Carriage Permits, Business Permits and Minors' Permits

permit to carry restricted weapon

Section 110(1) A permit that authorizes a person to possess a particular restricted weapon, whether or not that person is the person mentioned in the registration certificate issued in respect of the weapon, elsewhere than at the place at which the person is otherwise entitled to possess it, as indicated on the registration certificate issued in respect thereof, may be issued by the Commissioner, the Attorney General of a province, a chief provincial firearms officer or a member of a class of person that has been designated in writing for that purpose by the Commissioner or the Attorney General of a province, and remains in force until the expiration of the period for which it is expressed to be issued, unless it is revoked before that expiration.

limitation

Section 110(2) A permit described in subsection (1) may be issued only where the person authorized to issue it is satisfied that the applicant therefor requires the restricted weapon to which the application relates

- (a) to protect life;
- (b) for use in connection with his lawful profession or occupation;
- (c) for use in target practice under the auspices of a shooting club approved for the purposes of this section by the Attorney General of the province in which the premises of the shooting club are located; or
- (d) for use in target practice in accordance with the conditions attached to the permit.

no change

temporary permit to carry

Section 110(2.1) A permit may be issued by a person authorized to issue a permit under subsection (1) that authorizes a person who does not reside in Canada to possess and carry between the places specified in the permit a restricted weapon described in the permit for use in a target shooting competition that is held under the auspices of a shooting club referred to in subparagraph 109(3)(c)(iii), and remains in force until the expiration of the period for which it is expressed to be issued, unless it is revoked before that expiration.

*permit to
transport
restricted
weapon*

Section 110(3) A permit to transport a restricted weapon from one place to another place specified therein may be issued by a local registrar of firearms to any person who is required to transport that weapon by reason of a change of residence or for any other *bona fide* reason, and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

no change

*temporary
storage permit*

Section 110(3.1) A permit that authorizes a holder of a registration certificate in respect of a restricted weapon to temporarily store the restricted weapon elsewhere than at the place at which that holder is otherwise entitled to possess it may be issued by a local registrar of firearms jointly to the holder and an individual under whose control the restricted weapon is to be stored.

*contents of
permit*

Section 110(3.2) A permit described in subsection (3.1) shall describe the restricted weapon in respect of which it is issued, shall specify the place at which that restricted weapon is to be stored and shall authorize, in addition to the storage of the weapon, either person named in the permit to transport the restricted weapon, prior to the beginning of the period of storage, to the place where it is to be stored and, after the end of the period of storage, to the place at which the holder of the restricted weapon registration certificate in respect of the restricted weapon is entitled to possess that restricted weapon.

*validity of
permit*

Section 110(3.3) A permit described in subsection (3.1) shall remain in force until the expiration of the period, not exceeding one year, for which it is expressed to be issued, unless it is revoked before that expiration, but either the holder of the registration certificate in respect of the restricted weapon in respect of which the permit is issued or the individual under whose control the restricted weapon is stored may apply to the local registrar of firearms for renewal of the permit.

*permit to
convey
restricted
weapon*

Section 110(4) A permit authorizing an applicant for a registration certificate to convey the weapon to which the application relates to a local registrar of firearms may be issued by a local registrar of firearms and shall remain in force until the expiration of the period for which it is expressed to be issued, unless it is sooner revoked.

no change

*permit to carry
on business*

Section 110(5) A permit to carry on a business described in paragraph 105(1)(a) or (b) or subparagraph 105(2)(b)(i) may be issued by the Commissioner, the Attorney General or the chief provincial firearms officer of the province where the business is or is to be carried on or by any person whom the Commissioner or the Attorney General designates in writing for that purpose, **the fee payable on application for such a permit is the fee prescribed by regulation, and the permit remains in force until the expiration of the period, not exceeding one year, for which it is expressed to be issued, unless it is revoked before that expiration.**

*permits to
persons
hunting as a
way of life*

Section 110(6) A permit to possess a firearm, other than a restricted weapon, may be issued by a firearms officer to a person under the age of eighteen years who hunts or traps as a way of life if the firearms officer is satisfied that the person needs to hunt or trap in order to sustain **the person or the person's family** and the application for the permit includes a consent to the issuance of the permit signed by a parent of the applicant or, if a consent by a parent cannot be obtained because of the death of both parents or for any other reason it is not practicable or desirable in the opinion of the firearms officer to whom the application is made to obtain a parent's consent, a person having custody or control of the applicant.

*permit to
person
between 12
and 18 years
of age*

Section 110(7) A permit authorizing a person who is twelve or more years of age but under the age of eighteen years to possess a firearm, other than a restricted weapon, may be issued by a firearms officer if the firearms officer is satisfied that the applicant therefor requires such a permit in order to enable the applicant to possess a firearm for the purpose of target practice, game hunting or instruction in the use of firearms in accordance with conditions for supervision attached to the permit signed by a parent of the applicant or, if a consent by a parent cannot be obtained because of the death of both parents or for any other reason it is not practicable or desirable in the opinion of the firearms officer to whom the application is made to obtain a parent's consent, a person having custody or control of the applicant.

idem

Section 110(8) A permit mentioned in subsection (6) or (7) shall remain in force until
(a) the expiration of the period for which it is expressed to be issued, or
(b) the person to whom it is issued attains the age of eighteen years, whichever first occurs, unless it is sooner revoked.

*where no fee
payable and
fee for
business
permits*

Section 110(9) Permits mentioned in subsections (1), (2.1), (3), (3.1), (4), (6) and (7) shall be issued without payment of a fee, but no permit mentioned in subsection (5) may be issued unless the application therefor is accompanied by the fee prescribed by regulation.

*validity of
permit*

Section 110(10) No permit, other than

- (a) a permit for the possession of a restricted weapon for use as described in paragraph (2)(c),
- (b) a permit to transport a restricted weapon from one place to another place specified therein as mentioned in subsection (3),
- (b.1) a permit that authorizes a person who does not reside in Canada to possess and carry a restricted weapon for use in a target shooting competition as mentioned in subsection (2.1),
- (b.2) a permit that authorizes a holder of a registration certificate in respect of a restricted weapon to temporarily store the restricted weapon elsewhere than at the place at which that holder is otherwise entitled to possess it, as mentioned in subsection (3.1), or
- (c) a permit authorizing an applicant for a registration certificate to convey the weapon to which the application relates to a local registrar of firearms as mentioned in subsection (4),

is valid outside the province in which it is issued unless it is issued by the Commissioner or a person designated in writing by him and authorized in writing by him to issue permits valid outside the province and is endorsed for the purposes of this subsection by the person who issued it as being valid within the provinces indicated therein.

*form and
conditions of
permit*

Section 110(11) Every permit shall be in a form prescribed by the Commissioner, but any person who is authorized to issue a permit relating to any restricted weapon, firearm or ammunition may attach to the permit any reasonable condition relating to the use, carriage, possession, handling or storage of weapons or ammunition that he deems desirable in the particular circumstances and in the interests of the safety of the applicant therefor or any other person.

no change

*agreements
with provinces*

Section 111 The Minister of Justice of Canada, with the approval of the Governor in Council, may enter into agreements with the governments of the provinces providing for payments by Canada to the provinces in respect of costs actually incurred by the provinces in the administration of sections 105, 106 and 107 and subsection 110(5).

*revocation of
certificate*

*revocation of
permit*

Section 112(1) A registration certificate may be revoked by the Commissioner.

Section 112(2) A permit may be revoked by any person who is authorized to issue such a permit.

no change

*revocation of
authorization*

Section 112(2.1) An authorization referred to in subsection 90(3.2) may be revoked by a local registrar of firearms.

*refusal to issue
a certificate*

Section 112(3) The Commissioner may refuse to issue a registration certificate where he has notice of any matter that may render it desirable in the interests of the safety of the applicant therefor or any other person that the applicant should not possess a restricted weapon.

no change

*refusal to issue
a permit*

Section 112(4) Any person who is authorized to issue a permit under any of subsections 110(2.1) to (7) may refuse to issue such a permit where **that person** has notice of any matter that may render it desirable in the interests of the safety of the applicant therefor or any other person that such a permit should not be issued to the applicant.

*notice to be
given*

Section 112(5) Where a registration certificate or a permit is revoked or a firearms acquisition certificate is revoked pursuant to subsection 100(7.1) or 103(3.1) or subparagraph 103(6)(b)(ii) or the issue of any registration certificate or permit is refused under this section, the person by whom it is revoked or by whom its issue is refused shall give notice to the holder of the registration certificate, or permit or firearms acquisition certificate or the applicant therefor, as the case may be, in writing, of the revocation or refusal and of the reasons therefor and shall include in the notification a copy or an extract of the provisions of this section.

Section 112(6) A notice under subsection (5) shall

- (a) specify a reasonable period within which the person affected by the revocation or refusal may surrender to a police officer or otherwise lawfully dispose of any restricted weapon, firearm or ammunition in respect of which the notice applies, and during which that person is not liable to prosecution by reason only that the person possesses the restricted weapon, firearm or ammunition during that period of time; and
- (b) state that if that person fails to dispose of the restricted weapon, firearm or ammunition within the period specified in the notice, the restricted weapon, firearm or ammunition is forfeited to Her Majesty and must be surrendered to a police officer or firearms officer to be disposed of as the Attorney General directs.

idem

Section 112(7) Where an appeal is taken under subsection (8), the period of time referred to in subsection (6) does not commence until that appeal is finally disposed of.

appeal

Section 112(8) A person who feels himself aggrieved by
(a) any action or decision taken under this section, or
(b) the failure of a local registrar of firearms to indicate on the copy of an application for a registration certificate that is sent by him to the Commissioner pursuant to subsection 109(5) any of the matters referred to in subsections 109(3) and (4) that is applicable in respect of the application
may, within thirty days from the day on which he was notified of the action or decision or became aware of the failure, unless before or after the expiration of that period further time is allowed by a provincial court judge, appeal to a provincial court judge from the action, decision or failure by filing with the provincial court judge a notice of appeal, setting out with reasonable certainty the action, decision or failure complained of and the grounds of appeal, together with such further material as the provincial court judge may require.

*service of
notice of
appeal*

Section 112(9) A copy of any notice of appeal filed with a provincial court judge under subsection (8) and of any further material required to be filed therewith shall be served within fourteen days of the filing of the notice, unless before or after the expiration of that period further time is allowed by a provincial court judge, on the person who took the action or decision or who was responsible for the failure being appealed from or on such other person as the provincial court judge may direct.

*appellant as
witness*

Section 112(10) For the purposes of an appeal under subsection (8), the appellant is a competent and compellable witness.

no change

disposition of appeal

Section 112(11) On the hearing of an appeal under subsection (8), the provincial court judge may

- (a) dismiss the appeal; or
- (b) allow the appeal and
 - (i) cancel the revocation of the registration certificate, permit or firearms acquisition certificate or direct that a registration certificate or permit be issued to the applicant therefor, as the case may be, or
 - (ii) direct that a registration certificate be issued notwithstanding the failure referred to in paragraph (8)(b).

burden on applicant

Section 112(12) A provincial court judge shall dispose of an appeal under subsection (8) heard by him by dismissing it unless the applicant establishes to the satisfaction of the provincial court judge that a disposition referred to in paragraph (11)(b) is warranted.

no change

appeal to appeal court

Section 112(13) Where the provincial court judge

- (a) dismisses an appeal under subsection (11), the appellant, or
- (b) allows an appeal under subsection (11),
 - (i) the Attorney General of Canada or counsel instructed by him for the purpose, if the person who took the action or decision or who was responsible for the failure referred to in paragraph (8)(b) that was appealed from to the provincial court judge was the Commissioner or a local registrar of firearms appointed by him, or
 - (ii) the Attorney General or counsel instructed by him for the purpose, in any other case,

may appeal to the appeal court against the dismissal or against the allowing of the appeal, as the case may be, and the provisions of Part XXVII except sections 816 to 819 and 829 to 838 apply, with such modifications as the circumstances require, in respect of that appeal.

definitions

Section 112(14) In this section,

"appeal court" has the meaning given that expression in subsection 100(11);

"provincial court judge" means a provincial court judge having jurisdiction in the territorial division where the person who feels himself aggrieved as described in subsection (8) resides.

"appeal court"

"provincial court judge"

no change

Offences Relating to Certificates and Permits

false statements to procure firearms acquisition certificate, etc.

tampering with firearms acquisition certificate, registration certificate or permit

failure to comply with conditions of permit

failure to deliver up firearms acquisition certificate, etc.

Section 113(1) Every one who, for the purpose of procuring a firearms acquisition certificate, registration certificate or permit for himself or any other person, knowingly makes a statement orally or in writing that is false or misleading or knowingly fails to disclose any information that is relevant to the application for the firearms acquisition certificate, registration certificate or permit
(a) is guilty of an indictable offence and is liable to imprisonment for a term not exceeding two years; or
(b) is guilty of an offence punishable on summary conviction.

Section 113(2) Every one who, without lawful excuse the proof of which lies on him, alters, defaces or falsifies a firearms acquisition certificate, registration certificate or permit
(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
(b) is guilty of an offence punishable on summary conviction.

Section 113(3) Every one who, without lawful excuse, fails to comply with any condition of a permit held by him
(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or
(b) is guilty of an offence punishable on summary conviction.

no change

Section 113(4) Every one who,
(a) being a holder of a registration certificate, permit or firearms acquisition certificate that is revoked in accordance with this Part, or
(b) being a person against whom an order prohibiting possession of any firearm or ammunition is made under section 100 or paragraph 103(6)(b), or being prohibited by a condition of a probation order referred to in paragraph 737(2)(d) from having a firearm in his possession,
fails to deliver up the registration certificate or permit or, in a case described in paragraph (b), any firearms acquisition certificate, registration certificate or permit held by him, to a peace officer, a local registrar of firearms or a firearms officer forthwith after the revocation of the making of the order or probation order is guilty of an offence punishable on summary conviction.

Registry

registry to be maintained

Section 114(1) The Commissioner shall cause a registry to be maintained in which shall be kept a record of

- (a) every registration certificate that is issued under section 109;
- (b) every registration certificate that is revoked under subsection 112(1);
- (c) every application for a registration certificate that is refused under subsection 112(3);
- (d) every permit issued under subsection 110(5) that is revoked under subsection 112(2);
- (e) every application for a permit under subsection 110(5) that is refused under subsection 112(4);
- (f) every application for a firearms acquisition certificate that is refused;
- (g) every prohibition order made under section 100 or paragraph 103(6)(b); and
- (h) every probation order to which a condition referred to in paragraph 737(2)(d) is attached.

information to be submitted to Commissioner

Section 114(2) Each person by whom

- (a) a firearms acquisition certificate or permit is issued,
- (b) a permit is revoked, or
- (c) an application for a permit is refused,

shall submit such information in relation thereto at such time and in such form as is prescribed by the regulations for the purpose of enabling the Commissioner to compile the reports referred to in section 117.

idem

Section 114(3) Every firearms officers by whom an application for a firearms acquisition certificate is refused, every person by whom an application for a permit under subsection 110(5) is refused or by whom a permit issued under that subsection is revoked, every court, judge, justice or provincial court judge that makes a prohibition order under section 100 or paragraph 103(6)(b) and every court that prescribes as a condition of a probation order a condition referred to in paragraph 737(2)(d) shall forthwith cause the Commissioner to be notified thereof.

no change

General

onus on the accused

Section 115(1) Where, in any proceedings under any of sections 85 to 113, any question arises as to whether a person is or was the holder of a firearms acquisition certificate, registration certificate or permit, the onus is on the accused to prove that that person is or was the holder of the firearms acquisition certificate, registration certificate or permit.

firearms acquisition certificate, etc., as evidence

Section 115(2) In any proceedings under any of sections 85 to 113, a document purporting to be a firearms acquisition certificate, registration certificate or permit is evidence of the statements contained therein.

no change

Section 116(1) The Governor in Council may make regulations (a) regulating the handling, secure storage, display and advertising of restricted weapons, firearms and ammunition by persons operating museums described in subsection 105(1) or carrying on businesses described in paragraph 105(1)(a) or subparagraph 105(2)(b)(i) and providing authority for police officers and police constables and members of any other class of persons designated for the purposes of a province by the Attorney General of that province to enter any place at which the museum is located or where any such business is carried on, at any time during ordinary business hours, for the purpose of inspecting the secure storage facilities therein and the manner in which restricted weapons, firearms and ammunition are handled and displayed in the course of the business;

(a.1) regulating the handling and secure storage of prohibited weapons or components or parts thereof referred to in paragraph 105(1)(b) by persons carrying on businesses described in that paragraph, and providing authority for police officers and police constables and members of any other class of persons designated for a province by the Attorney General of that province to enter any place where any such business is carried on, at any time during ordinary business hours, for the purpose of inspecting the secure storage facilities therein and the manner in which such prohibited weapons and components or parts thereof are handled in the course of the business;

(b) regulating the handling, secure storage and display of weapons by operators of and persons employed in museums approved for the purposes of this Part by the Commissioner or the Attorney General of the province in which they are situated; businesses described in paragraph 105(1)(a) or subparagraph 105(2)(b)(i);

(c) regulating the mail-order sale of restricted weapons, firearms and ammunition by persons carrying on businesses described in paragraph 105(1)(a) or subparagraph 105(2)(b)(i);

(d) providing for the secure handling, shipping, storage and transportation of firearms and ammunition, and prohibited weapons and components or parts thereof referred to in paragraph 105(1)(b), by persons engaged in businesses that include the transportation of goods;

(e) prescribing the fees to be paid to Her Majesty in right of Canada on application for certificates mentioned in section 106 or 107 or for permits mentioned in subsection 110(5);

continued on next page

regulations

Section 116(1) (continued)

- (f) prescribing classes of firearms that shall be deemed to be relics for the purposes of this Part;
- (g) respecting the storage, display, handling and transportation of firearms;
- (h) authorizing the destruction, at such times as are specified in the regulations, of such records and inventories that are required by the provisions of this Part to be maintained as are designated in the regulations; and
- (i) prescribing anything that is, by any provision of this Part, required to be prescribed by the regulations.

tabling of regulations

Section 116(2) The Minister of Justice shall lay or cause to be laid before each House of Parliament, at least thirty sitting days before its effective date, every regulation that is proposed to be made under subsection (1) and every appropriate committee as determined by the rules of each House of Parliament may conduct enquiries or public hearings with respect to the proposed regulation and report its findings to the appropriate House.

definition of "sitting day"

Section 116(3) For the purposes of this section, "sitting day" means, in respect of either House of Parliament, a day on which that House sits.

report to Parliament

Section 117 The Commissioner shall, within five months after the end of each year and at such other times as the Solicitor General of Canada may, in writing, request, submit to the Solicitor General a report, in such form and setting forth such information as the Solicitor General may direct, with regard to the administration of the provisions of this Part respecting firearms acquisition certificates, registration certificates and permits and the information contained in the registry maintained pursuant to section 114, and the Solicitor General shall cause each report to be laid before Parliament on any of the first fifteen days on which Parliament is sitting after the Solicitor General receives it.

Part XV - Special Procedure and Powers

*forfeiture of
weapons and
ammunition*

Section 491(1) Subject to subsection (2), where it is determined by a court that a weapon or ammunition was used in the commission of an offence or that a person has committed an offence under section 91 with respect to a restricted weapon, and the weapon or ammunition has been seized and detained, the weapon or ammunition is forfeited and may be dealt with as the court that makes the determination directs.

*return to
lawful owners*

Section 491(2) If the court by which a determination referred to in subsection (1) is made is satisfied that the lawful owner of the weapon or ammunition was not a party to the offence and had no reason to believe that the weapon or ammunition would or might be used in the commission of an offence, the court shall order the weapon or ammunition returned to the lawful owner thereof or the proceeds of any sale thereof to be paid to that owner.

*application of
proceeds*

Section 491(3) Where any weapon or ammunition in respect of which this section applies is sold, the proceeds of the sale shall be paid to the Attorney General or, where an order is made under subsection (2), to the person who was, immediately prior to the sale, the lawful owner of the weapon or ammunition.

Part XVI - Compelling Appearance of Accused Before a Justice and Interim Release

additional conditions

Section 515(4.1) Before making an order under subsection (2), in the case of an accused who is charged with an offence in the commission of which violence against a person was used, threatened or attempted or an offence described in subsection 39(1) or (2) or 48(1) or (2) of the Food and Drugs Act or in subsection 4(1) or (2) of the Narcotic Control Act, the justice shall consider whether it is desirable, in the interests of the safety of the accused or of any other person, to include as a condition of the order that the accused be prohibited from possessing any firearm or any ammunition or explosive substance for any period of time specified in the order and that the accused surrender any firearms acquisition certificate that the accused possesses, and where the justice decides that it is not desirable, in the interest of the safety of the accused or of any other person, for the accused to possess any of those things, the justice may add the appropriate condition to the order.

order of release

Section 515(7) Where an accused to whom paragraph (6)(a), (c) or (d) applies shows cause why the accused's detention in custody is not justified, the justice shall order that the accused be released on giving an undertaking or entering into a recognizance described in any of paragraphs (2)(a) to (e) with such conditions described in subsections (4) and (4.1) or, where the accused was at large on an undertaking or recognizance with conditions, such additional conditions described in subsections (4) and (4.1), as the justice considers desirable, unless the accused, having been given a reasonable opportunity to do so, shows cause why such conditions or additional conditions should not be imposed.

idem

Section 515(8) Where an accused to whom paragraph (6)(b) applies shows cause why the accused's detention in custody is not justified, the justice shall order that the accused be released on giving an undertaking or entering into a recognizance described in any of paragraphs (2)(a) to (e) with such conditions, described in subsection (4) and (4.1), as the justice considers desirable.

*release of
accused*

Section 522(3) Where the judge does not order that the accused be detained in custody pursuant to subsection (2), the judge may order that the accused be released on giving an undertaking or entering into a recognizance described in any of paragraphs 515(2)(a) to (e) with such conditions described in subsection 515(4) and (4.1) as the judge considers desirable.

Part XXVII - Summary Convictions

conditions

Section 810(3.1) Before making an order under subsection (3), the justice or the summary conviction court shall consider whether it is desirable, in the interests of the safety of the defendant or of any other person, to include as a condition of the recognizance that the defendant be prohibited from possessing any firearm or any ammunition or explosive substance for any period of time specified in the recognizance and the defendant surrender any firearms acquisition certificate that the accused possesses and, where the justice or summary conviction court decides that it is not desirable, in the interests of the safety of the defendant or of any other person, for the defendant to possess any of those things, the justice or summary conviction court may add the appropriate condition to the recognizance.

Changes to code 9965 of Schedule VII to the Customs Tariff

This is the wording that now begins code 9965 and comes before paragraph a.

Offensive weapons as defined in the Criminal Code, or parts, components, accessories, ammunition or large-capacity cartridge magazines defined as "prohibited weapons" for the purposes of Part III of that Act, but this code does not affect in any manner:

These two new paragraphs replace paragraphs (b) and (c) of code 9965.

- (b) restricted weapons as defined for the purposes of Part III of the Criminal Code imported by
 - (i) a person who is not a resident of Canada and who holds a permit issued under subsection 110(2.1) or (3) of that Act, or
 - (ii) a person who is a resident of Canada and who holds a permit issued under subsection 110(3) of that Act or a firearms acquisition certificate as defined for the purposes of that Part and a permit issued under subsection 110(4) of that Act;
- (c) firearms, other than prohibited or restricted weapons as defined for the purposes of Part III of the Criminal Code imported by
 - (i) a person who is not a resident of Canada,
 - (ii) a person who is a resident of Canada, who acquired the firearms outside Canada and who holds a firearms acquisition certificate as defined for the purposes of that Part, or
 - (iii) a person who is a resident of Canada and who did not acquire the firearm outside Canada;

